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II

98TH CONGRESS
2D SESSION

S. 2624

To implement the International Convention Against the Taking of Hostages.

IN THE SENATE OF THE UNITED STATES

MAY 2 (legislative day, APRIL 30), 1984

Mr. THURMOND (for himself and Mr. DENTON) (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To implement the International Convention Against the Taking
of Hostages.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Act for the
5 Prevention and Punishment of the Crime of Hostage-
6 Taking".

7 STATEMENT OF FINDINGS AND PURPOSE

8 SEC. 2. The Congress hereby finds that—

9 (a) the International Convention Against the
10 Taking of Hostages (adopted by the United Nations,
11 December 17, 1979), requires all States parties to it to

1 prohibit the offense of hostage-taking as defined in the
2 Convention;

3 (b) hostage-taking affects domestic tranquility,
4 interstate and foreign commerce, and foreign relations,
5 endangers national security, and is an offense against
6 the law of nations;

7 (c) the purpose of this title is to fully implement
8 the International Convention Against the Taking of
9 Hostages.

10 SEC. 3. (a) Section 1201 of title 18, United States
11 Code, is amended—

12 (1) by deleting in subsection (a)(3) the words “sec-
13 tion 101(36) of the Federal Aviation Act of 1958, as
14 amended (49 U.S.C. 1301(36))” and inseting in lieu
15 thereof “section 101(38) of the Federal Aviation Act of
16 1958, as amended (49 U.S.C. 1301(38))”;

17 (2) by deleting “or” at the end of subsection
18 (a)(3);

19 (3) by deleting the comma at the end of subsec-
20 tion (a)(4) and inserting “; or” in lieu thereof;

21 (4) by adding a new subsection (a)(5) after subsec-
22 tion (a)(4) as follows:

23 “(5) a threat is made to kill, injure, or to continue
24 to detain the person in order to compel a third party to

1 do or abstain from doing any act as an explicit or im-
2 plicit condition for the release of the person,”;

3 (5) by amending subsection (d) to read as follows:

4 “(d) Whoever attempts to violate subsection (a)(4) or
5 subsection (a)(5) shall be punished by imprisonment for not
6 more than twenty years.”;

7 (6) by amending subsection (e) to read as follows:

8 “(e) If the victim of an offense under subsection (a) is an
9 internationally protected person, or if a threat is made to kill,
10 injure, or to continue to detain the victim in order to compel
11 a third party to do or abstain from doing any act as an explic-
12 it or implicit condition for the release of the victim, the
13 United States may exercise jurisdiction over the offense if the
14 offense was committed within the United States; the alleged
15 offender is a national of the United States; the victim or pur-
16 ported victim was a national of the United States; or the
17 offender is present within the United States, irrespective of
18 the place where the offense was committed or the nationality
19 of the victim or the alleged offender. As used in this subsec-
20 tion, the term ‘United States’ includes all areas under the
21 jurisdiction of the United States including any of the places
22 within the provisions of sections 5 and 7 of this title and
23 section 101(38) of the Federal Aviation Act of 1958, as
24 amended (49 U.S.C. 1301(38)) and the term ‘national of the
25 United States’ has the meaning given to it in section

1 101(a)(22) of the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(22).”;

3 (7) by amending subsection (f) to read as follows:

4 “(f) In the course of enforcement of subsection (a)(4) or
5 subsection (a)(5), and any other sections prohibiting a con-
6 spiracy or attempt to violate subsection (a)(4) or subsection
7 (a)(5), the Attorney General may request assistance from any
8 Federal, State, or local agency, including the Army, Navy,
9 Marine Corps, and Air Force, any statute, rule, or regulation
10 to the contrary notwithstanding.”; and

11 (8) by inserting a new subsection (g) to read as
12 follows:

13 “(g) Nothing in this section shall be construed as indi-
14 cating an intent on the part of Congress to prevent any
15 State, commonwealth, territory or possession of the United
16 States, or the District of Columbia, from exercising jurisdic-
17 tion over any offense over which it would have jurisdiction in
18 the absence of this section, nor shall anything in this section
19 be construed as depriving State and local law enforcement
20 authorities of responsibilities for prosecuting acts that may be
21 violations of this section and that are violations of State and
22 local law, nor shall anything in subsection (a)(5) of this sec-
23 tion be construed as authorizing the United States to exercise
24 jurisdiction over an offense occurring in the United States in
25 which the alleged offender is the parent, child, spouse, broth-

1 er or sister of any victim or in which the alleged offender and
2 any victim live in the same household and are related by
3 blood or marriage.”.

4 (b)(1) The heading of section 1201 of title 18, United
5 States Code, is amended to read as follows:

6 “§ 1201. **Kidnaping and hostage-taking**”.

7 (2) The analysis for chapter 55 of title 18, United States
8 Code, is amended by deleting the item relating to section
9 1201 and inserting in lieu thereof the following new item:

“1201. Kidnaping and hostage-taking.”.

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EFFECTIVE DATE

11 SEC. 4. Sections 2 and 3 of this Act shall become effec-
12 tive only when the International Convention Against the
13 Taking of Hostages has come into force and the United
14 States has become a party to it.

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